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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Alexis Sanchez Romero,

Defendant.

23-mj-04320-N/A-LCK
PLEA AGREEMENT

(Flip Flop)

(Petty Misdemeanor)

The Parties enter into the following agreement:

1. The defendant will enter a plea to Count 2 of the complaint, Improper Entry by Alien, a petty misdemeanor offense, in violation of Title 8, United States Code, Section 1325(a)(1). This plea will occur no later than the time set for the change of plea/sentencing hearing.

2. The government will dismiss Count 1 of the Complaint, Illegal Re-Entry After Deportation, a felony, in violation of Title 8, United States Code, Section 1326(a). This charge, if proven, carries a maximum sentence of two (2), ten (10), or twenty (20) years imprisonment, a \$250,000 fine, up to three (3) years supervised release, and a \$100 special assessment. The government will dismiss this charge at the time of sentencing.

3. The maximum penalties for the offense to which the defendant is pleading, are six (6) months in custody and a \$5,000 fine. The government agrees to waive the \$10 special assessment.

4. Pursuant to this plea agreement and Rule 11(c)(1)(C) Fed. R. Crim. P., the

1 government and the defendant stipulate and agree to a sentence of 30 consecutive days of
2 imprisonment, which will commence at the time of plea and sentencing. The defendant
3 is to receive credit for all time he/she has served to date and shall be deducted from the
4 stipulated sentence.

5 5. The parties waive a Pre-Sentence Report and agree that sentencing will
6 occur on the date of the change of plea. The defendant understands and agrees that this
7 plea agreement contains all terms, conditions, and stipulations regarding sentencing. If
8 the court departs from the terms and conditions set forth in this plea agreement, either
9 party may withdraw.

10 6. Pursuant to the plea agreement, the defendant waives any and all motions,
11 defenses, probable cause determinations, and objections that the defendant could assert to
12 the complaint, or to the Court's entry of judgment against the defendant and imposition of
13 sentence upon the defendant, providing the sentence is consistent with this agreement.
14 The defendant further waives: (1) any right to appeal the Court's entry of judgment against
15 the defendant; (2) any right to appeal the imposition of sentence upon the defendant under
16 18 U.S.C. § 3742 (sentence appeals); (3) any right to collaterally attack the defendant's
17 conviction and sentence under 28 U.S.C. § 2255, or any other collateral attack; and (4)
18 any right to file a motion for modification of sentence, including under 18 U.S.C. §
19 3582(c), except the right to file a motion for compassionate release under 18 U.S.C.
20 Section 3582(c)(1)(A) and to appeal the denial of such a motion. The defendant
21 acknowledges that this waiver shall result in the dismissal of any appeal or collateral attack
22 the defendant might file challenging his/her conviction or sentence in this case. If the
23 defendant files a notice of appeal or a habeas petition, notwithstanding this agreement, the
24 defendant agrees that this case shall, upon motion of the government, be remanded to the
25 district court to determine whether the defendant is in breach of this agreement and, if so,
26 to permit the government to withdraw from the plea agreement. This waiver shall not be
27 construed to bar a claim of ineffective assistance of counsel or an otherwise-preserved
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1 claim of "prosecutorial misconduct" (as that term is defined by Section II.B of Ariz.
2 Ethics Op. 15-01 (2015)).

3 7. If the defendant was on federal supervised release or federal probation at
4 the time the present offense was committed, the government may withdraw from the plea
5 agreement.

6 8. The elements of Improper Entry By an Alien are as follows:

7 (a) The defendant is not a citizen of the United States,

8 (b) The defendant entered or attempted to enter the United States, and

9 (c) The defendant entered or attempted to enter at any time or place other
10 than as designated by an immigration official.

11 9. If the defendant entered the United States at a place outside the District of
12 Arizona, the defendant agrees to waive his/her right to raise a challenge based on improper
13 venue and acknowledges that under Title 8, United States Code Section 1329, permits this
14 court to accept the defendant's plea and sentence the defendant in accordance with this
15 plea agreement.

16 10. The defendant recognizes that pleading guilty may have consequences with
17 respect to his/her immigration status if the defendant is a recently naturalized United
18 States citizen or is not a citizen of the United States. Under federal law, a broad range of
19 crimes are removable offenses, including the offense(s) to which the defendant is pleading
20 guilty. Although there may be exceptions, the defendant understands that the defendant's
21 guilty plea and conviction for this offense make it practically inevitable and a virtual
22 certainty that the defendant will be removed or deported from the United States. The
23 defendant agrees that he/she has discussed this eventuality with his/her attorney. The
24 defendant nevertheless affirms that he/she wants to plead guilty regardless of any
25 immigration consequences that this plea entails, even if the consequence is the defendant's
26 automatic removal from the United States.

27 11. The defendant agrees that this written plea agreement contains all the terms
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1 and conditions of his/her guilty plea.

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4 12. **Factual Basis for Plea:**

5 I, Alexis Sanchez Romero, am not a citizen of The United States. On or about
6 April 15, 2023, I knowingly entered the United States of America at or near
7 Lukeville, Arizona, by entering at any time or place other than as designated by
8 immigration officials.

9 Dated this _____ day of _____, 2023.

10 **Matei Tarail**

Digitally signed by Matei
Tarail
Date: 2023.04.26
08:07:35 -07'00'

11 Defendant

12 **Matei Tarail**

Digitally signed by Matei
Tarail
Date: 2023.04.26 08:07:49
-07'00'

13 Defense Counsel

14 GARY M. RESTAINO
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19 Assistant U.S. Attorney
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